

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants                    Brehm, Ludwig                    Examiner:                    Efta, Alex B  
Serial No.:                10/587,710                    Group Art Unit:                1745  
Confirmation No:            1065                            Docket:                        1093-160 PCT/US/RCE  
Filed:                        July 28, 2006  
For:                            Security Element Comprising  
                                  A Partial Magnetic Layer

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**DECLARATION UNDER 37 C.F.R. § 1.131**

Sir:

I, Dr. Ludwig Brehm, hereby declare and state as follows:

1. I am an inventor for the patent application identified above filed with the U.S. Patent and Trademark Office on July 28, 2006, claiming domestic priority to PCT patent application PCT/DE2005/000103 filed January 26, 2005 and further claiming foreign priority to German patent application DE 10 2004 004 713.8 filed January 30, 2004.
2. I have earned a doctorate degree in Chemistry (Dr. rer. nat.) from the University of Erlangen-Nuremberg "Friedrich Alexander" of Germany in 1986.
3. The instant invention was conceived prior to January 12, 2004, which is the filing date of U.S. Published Patent Application 2005/0153107 to Iijima ("Iijima"). In particular, the instant invention was conceived in Germany at least as early as December 30, 2003.
4. Attached as Exhibit A is a copy of a draft of the patent application that was eventually filed and serves as the basis for priority of the instant patent application; that draft is signed by me and is dated December 30, 2003. This document demonstrates that the claimed

technologies of the instant patent application were conceived in Germany at least as early as December 30, 2003. When transmitting that draft of the patent application to my attorneys, I advised them that I would be on holiday until January 11, 2004.

5. Upon my return from holiday, I received a revised draft from my attorneys on January 14, 2004. Over the course of the week that followed, I worked on further reviewing that draft and mailed further revisions to my attorneys on January 26, 2004. Thereafter, on January 28, 2004 I took part in a telephone conference with my attorneys to once again review and discuss the application before filing. It is my understanding that the application was mailed to the German Patent Office the very next day and officially received by them the day after that.

6. Accordingly, subsequent to December 30, 2003, the invention was not abandoned, suppressed nor concealed. The description of the invention was diligently worked on from December 30, 2003, through the New Year holidays and up until the filing of the foreign priority application on January 30, 2004.

7. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true. Further that these statements were made with the knowledge that willfully false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code, and that such willfully false statements may jeopardize the validity of the application of any patent issued thereon.

Respectfully submitted,

Dated: 29.01.2012

  
Dr. Ludwig Brehm